

FROM :CBEARD

FAX NO. :4043774015

Sep. 24 2007 03:24PM P3

Sep. 24. 2007 2:00PM

No. 1058 RECEIVED  
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SEP 24 2007

Docket No. ICT 134

### DECLARATION AND POWER OF ATTORNEY

In re Application of: Puskas

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Apparatus for Indirectly Stimulating the Vagus Nerve with an Electrical Field, the specification of which:

is attached hereto.

xx was filed on January 16, 2002 as Application Serial No. 10/051,752 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I understand that I have a duty of candor and good faith toward the United States Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 (a)-(d) or §365(b) of the foreign application(s) for patent or inventor's certificate listed below, or under §365(a) of the PCT international application which designated at least one country other than the United States of America and have also identified below any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Application Serial No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
			Yes _____ No _____

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application designating the United States of America listed below and, insofar as the subject matter of each of the claims in the present application is not disclosed in the prior United States or PCT application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
09/716,783	11/20/2000	patented 6,429,217
09/139,442	8/25/1998	patented 6,479,523

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No. 1058 P. 1/2

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SEP 24 2007

Docket No.: ICT 134

Title: Apparatus for Indirectly Stimulating the Vagus Nerve with an Electrical Field

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I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date</u>
60/056,994	August 26, 1997
60/072,284	January 23, 1998

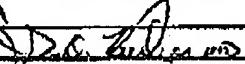
I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

The following attorney is hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Collen A. Beard, Registration No. 38,824

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